

REMARKS

Claims 1-47 are pending in this application, claims 27-46 having been withdrawn. By this Amendment, claims 1, 27, 29, 33, 36, 42 and 47 are amended. Support for the amendments to claims 1, 27 and 47 can be at least in Figure 11 and the corresponding disclosure in the specification, for example, paragraph [0066]. Claims 29, 33, 36 and 42 are amended for dependency and/or form. No new matter is added.

Applicants appreciate the courtesies shown to Applicants' representative by Examiner Bower in the September 15, 2008 personal interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks.

I. The Claims Define Patentable Subject Matter

Claims 1-3, 7-12, 15-21, 26 and 47 are rejected under 35 U.S.C. §102(b) over Toledo-Pereyra (U.S. Patent No. 4,186,565); claims 13, 14 and 22 are rejected under 35 U.S.C. §103(a) over Toledo-Pereyra; and claims 4-6 and 23-25 are rejected under 35 U.S.C. §103(a) over Toledo-Pereyra, and further in view of Fahy (U.S. Patent No. 5,586,438). The rejections are respectfully traversed.

As argued during the personal interview, Toledo-Pereyra does not disclose a tube frame removably connectible to the portable housing and configured to hold a plurality of tubes at respective predetermined positions, as recited in independent claim 1, and as similarly recited in independent claim 47.

The Office Action asserts that the second portion 15 of Toledo-Pereyra corresponds to a tube frame. However, the second portion 15 of Toledo-Pereyra is merely a box in which tubes are stored in an unorganized and random manner. See, e.g., Toledo-Pereyra, Figure 2. Thus, Toledo-Pereyra does not disclose a tube frame that is configured to hold a plurality of tubes at respective predetermined positions, as recited in independent claims 1 and 47.

Further, Toledo-Pereyra does not disclose wherein the tube frame is configured to hold the plurality of tubes in a position to be connected to a plurality of tubes in the portable housing for holding the organ or tissue through at least one of the one or more openings, as recited in independent claim 1 and, and as similarly recited in independent claim 47.

The tubes of the second portion 15 of Toledo-Pereyra do not connect to the organ receptacle portion 14, which the Office Action asserts corresponds to the portable housing recited in claims 1 and 47. Rather, for example, the tubes of the second portion 15 of Toledo-Pereyra are connected to an external refrigerator unit 11 via inlet and outlet lines 26 and 27 or an external tank 23 via line 22. Moreover, the liquid perfusate from the organ receptacle portion 14 merely passes to the portion 15 through an oxygenator 21 on its wall after it flows across the bottom wall 16 of the organ receptacle portion 14. Thus, Toledo-Pereyra does not disclose a tube frame that is configured to hold the plurality of tubes in a position to be connected to a plurality of tubes in the portable housing that holds the organ, as recited in independent claims 1 and 47.

Further, Fahy does not remedy the deficiencies of Toledo-Pereyra.

Thus, for at least these reasons, independent claims 1 and 47 are patentable over Toledo-Pereyra and Fahy. Further, claims 2-26, which depend from claim 1, are also patentable over Toledo-Pereyra and Fahy, for at least the reasons discussed above, with respect to claim 1, as well as for the additional features they recite. Withdrawal of the rejections is thus respectfully requested.

II. Rejoinder of Withdrawn Claims

Applicants respectfully request rejoinder of withdrawn independent claim 27, upon the allowance of at least independent claim 1. Independent claim 27 include features similar to those recited in independent claim 1. Thus, upon allowance of claim 1, rejoinder and

allowance of claim 27, and the claims depending therefrom, are respectfully requested. See MPEP §821.04.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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